

## **REMARKS/ARGUMENTS**

### **I. Summary of Examiner Interview**

An Examiner interview was conducted on May 29, 2008 with Applicant, Examiner Cutler, and Primary Examiner Tuan Ho attending. A summary of the interview is as follows:

Claims 1, 4 and 11 were discussed, and Hashima et al (US 5,521,843). An amendment to the independent claims was discussed, wherein the additional of additional limitations would distinguish Applicant's invention over prior art. Such amendment would comprise indicating the acquired reference image is acquired of a random or arbitrary scene of interest, identifying fixed points in said reference image, and that the reference image comprises a computational model generated from an initial image of the subject of interest. The Examiner agreed that if all of the above stated limitations were incorporated into independent claims 1 and 4, then a rejection based upon the prior art reference would be overcome; and that incorporating all of the limitations of claim 1 and claim 4, as well as the newly stated limitations into claim 11 would overcome such a rejection.

### **II. Claim Rejections – 35 USC 102**

The Examiner rejected claims 1,2,4,6,8,9,11 and 12 under 35 102(b) as being anticipated by Hashima et al. (Us 5,521,843). Applicant has amended independent claims 1, 4, and 11 in light of and in accord with the Examiner Interview. The currently presented claims overcome prior art rejections.

### **III. Claim Rejections – 35 USC 103**

The Examiner rejected claims 3,7 and 10 under 35 USC 103(a) as being unpatentable over Hashima et al in light of Verghese (US 7,038,709), and claim 5 as being unpatentable over Hashima in view of Palm (US 5,699,444). Applicant has amended independent claims 1, 4, 5 and 11 from which claims 3, 7 and 10 depend. Applicant submits that such amendment overcomes the rejection based on Hashima, and consequently, the combination of Hashima and Verghese, and the combination of Hashima and Palm.

**IV. CONCLUSIONS**

In view of the foregoing, it is respectfully urged that all of the present claims of the application are patentable and in a condition for allowance. Notice of allowance is earnestly solicited. The undersigned applicant can be reached at 650-960-3362 to facilitate prosecution of this application, if necessary.

Respectfully submitted,

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